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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,835

09/16/2005

Kenji Okamura

7620-X05-004

1161

33771

7590

06/13/2008

PAUL D. BIANCO

Fleit Gibbons Gutman Bongini & Bianco PL

21355 EAST DIXIE HIGHWAY

SUITE 115

MIAMI, FL 33180

EXAMINER

SMYTH, ANDREW P

ART UNIT

PAPER NUMBER

2881

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,835	<b>Applicant(s)</b> OKAMURA ET AL.	
	<b>Examiner</b> ANDREW SMYTH	<b>Art Unit</b> 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 6-9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/16/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1 and 10-12 amended.
2. Claims 2-3 and 6-9 canceled.
3. Claims 13-17 are new claims.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

1. Claims 4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Allowable Subject Matter***

1. Claims 10-17 are allowed.
2. The configuration was not found in a prior art search. The following is a listing/ statement of reasons for the indication of allowable subject matter.

#### **The search failed to show or suggest the prior use of:**

The configuration/ combination of elements of independent claim 10. A shielding material comprising a reinforcing member attached onto a shielding element

**consisting of an elastic polymeric organic compound dispersed with a dispersed material having a nuclear radiation-shielding ability,**  
**wherein said dispersed material is a tungsten powder,** and wherein said reinforcing member is **attached to said shielding element in such a manner as to be compression-bonded thereto.**

The configuration/ combination of elements of independent claim 11. A shielding material comprising a reinforcing member attached onto **a shielding element consisting of an elastic polymeric organic compound dispersed with a dispersed material having a nuclear radiation-shielding ability**  
**wherein said dispersed material is a tungsten powder,** and wherein said reinforcing member is **attached to said shielding element in such a manner as to be compression-bonded between two divided pieces of said shielding element.**

The configuration/ combination of elements of independent claim 12. A shielding material comprising a reinforcing member attached onto a shielding element **consisting of an elastic polymeric organic compound dispersed with a dispersed material having a nuclear radiation-shielding .ability,** and a cloth-like sheet which is wrapped around the integral structure of said shielding element and said reinforcing member attached thereto, **wherein said dispersed material is a tungsten powder,** and **wherein said cloth-like sheet is interweaved with a high-strength fiber which is either one selected from the group consisting of glass fiber, metal fiber and nylon fiber.**

2. Dependent claims 14-17 are allowable due to dependency upon allowable independent claim 10.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 rejected under 35 U.S.C. 102(b) as being anticipated by Kosmo et al. (US 4,923,741).

Kosmo discloses:

Regarding applicant's claim 1. (Currently Amended) A shield material comprising: a flexible element (column 2, lines 15-20) formed of a composite material (abstract) consisting of an organic material (abstract; see: polymeric) and a dispersed material having a nuclear radiation-shielding ability; and a cloth- like sheet formed of a flame-resistant fiber, wherein said flexible element is wrapped with said cloth-like sheet (abstract) and wherein said dispersed material is a tungsten (abstract) powder (column 2, lines 15-33).

Regarding applicant's claim 5. (Original) The shield material as defined in claim 1, wherein said cloth-like sheet is coated with a non-air permeable coating material (column 1, lines 39-45).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Kosmo et al. (US 4,923,741).

In regards to claim 13, Kosmo et al. differs from the claimed invention by not showing the composite material consists essentially of 60% dispersed material and 40% organic material.. It would have been obvious to one having ordinary skill in the art at the time the invention was made for the composite material consists essentially of 60% dispersed material and 40% organic material, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art is closely related art that individually or in combination could be considered grounds for rejection. See references cited for a listing of the pertinent prior art found and the prior art found.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Smyth whose telephone number is 571-270-1746. The examiner can normally be reached on 7:30AM - 5:00PM; Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2881

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jack I. Berman/

Primary Examiner, Art Unit 2881

/A. S./

Examiner, Art Unit 2881